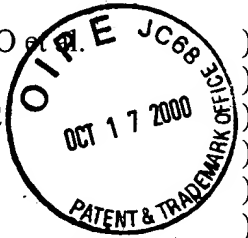


#4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Yukio KATO et al. )  
U.S. Application No.: 09/555,342 )  
Filed: May 26, 2000 )  
For: HUMAN FETUS CHONDROCYTE- )  
DERIVED GENE )



Group Art Unit: 1643

Examiner: Unassigned

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TECH CENTER 1600/2900

Commissioner for Patents  
Washington, D.C. 20231

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed to the best of the undersigned's knowledge before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents are attached together with an International Search Report and a translation of an International Preliminary Examination Report ("IPER"). Applicants respectfully request that the Examiner consider the documents listed on the attached Form PTO-1449 and evidence that consideration by making the appropriate notations. Applicants also respectfully request that the Examiner consider the International Search Report and IPER.

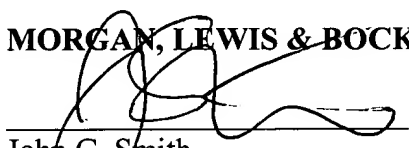
This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicants reserves the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

**Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

  
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Dated: October 17, 2000

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